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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
OSINSKI, MICHAEL S	

ART UNIT	PAPER NUMBER
2622	

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02/27/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/663,675	COLE ET AL.	
	Examiner	Art Unit	
	MICHAEL OSINSKI	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 03 November 2008.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 9-21,23,24,28,30-62 and 64-70 is/are pending in the application.

4a) Of the above claim(s) 23,25,28 and 32-57 is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 9-16,18-21,30,31,58-62 and 64-70 is/are rejected.

7)☒ Claim(s) 9 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 18 November 2003 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is in response to communications filed on 11/3/2008. Claims 9-16, 18-21, 30-31, 58-62, 64-70 are pending in this application. Claims 1-8, 17, 22, 24, 26, 27, and 29 have been canceled by Applicant, and claims 23, 25, 28, 32-57 are withdrawn from consideration.

Claim Rejections – 35 USC § 112

2. The rejections of claim 5 under 35 USC 112 first and second paragraphs are withdrawn in response to amended claims filed on 11/3/2008.

Response to Arguments

3. Applicant's arguments with respect to claims 11, 30, 31, 13, 16, and 19 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claim 9 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 9 is currently written to be dependent on a later claim 11. Appropriate correction is required.

Claim Rejections – 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. ***Claims 9-12, 14-15, 18, 20-21, 30-31, 58-62, 64-54, and 67-70 are rejected under 35 U.S.C 103 as being unpatentable over Merrill (US Patent 7,132,724) [hereafter Merrill] filed on 4/11/2003 in view of Descure (US Patent 6,960,799) [hereafter Descure], filed on 7/27/1999.***

7. As to claim 11, Merrill discloses an image pixel array (Fig. 17) comprising rows and columns of color-filter detectors (Fig. 7) that each comprise a substrate (62), a first photosensor (78) disposed at the surface of the substrate, a first filter (80) of a p-type layer over the first photosensor and substrate, the first filter having a first thickness from being a part of a 1 micron p-type layer (74), absorbing incident light with wavelengths shorter than those of green light and transmitting light at wavelengths greater or equal to green light onto the photosensor that receives the light passed through the first filter, absorbs/holds the charges created by light having wavelengths equivalent to green light and passes on red light which has a longer wavelength, a second photosensor (68) at the surface of the substrate that has a second filter (70) comprising of a p-type layer disposed over the second photosensor and the substrate, the second filter being thicker than the first filter from being part of a thicker 2 micron p-type layer (64) (Fig. 7), that

absorbs light with wavelengths less than those of red light and allows red light to pass through to the second photosensor that receives the light passed through the second filter, absorbs/holds the charges created by light having wavelengths equivalent to red light and passes on light with wavelengths longer than those of red light (Col. 5, 37-46, 62-67, Col. 6, 4-55, Col. 14, 45-67, Col. 16, 34-42).

It is however noted that Merrill fails to disclose that the photosensors are laterally adjacent and that the filter disposed over the photosensing region is a polysilicon filter.

On the other hand, Descure discloses an imaging device (Fig. 2C) comprising of red, green, and blue photosensing regions (1R, 1G, and 1B) that are disposed within a substrate (2) and laterally adjacent to one another, and additionally Descure discloses a color filter disposed over the photosensing regions (Fig. 1A, 1, Fig. 2C, 1R-1B) and substrate, formed at and extending within the substrate (2), includes a polysilicon layer (5) that is disposed over columns of silicon oxide that vary in thickness for each color sensing region, the variation in thickness allocating which light wavelengths are allowed to reach the photosensing regions (Col. 1, 20-29, Col. 2, 19-27, Col. 3, 1-20).

It would have been obvious to one having ordinary skill in the art at the time of invention to arrange photosensors beneath a surface of a substrate and laterally adjacent to each other and to use polysilicon layers disposed over the photosensors to act as color filters as taught by Descure with the pixel array of Merrill because both prior art are directed towards color sensors with color filters disposed above the sensing regions and because it would decrease the depth of the pixels and using polysilicon layers as the color filters (70 and 80) would yield predictable results of absorbing

incident wavelengths of light that aren't long enough to pass through the color filter of a specific thickness as well as passing incident wavelengths of light long enough to penetrate through the color filter and reach the corresponding photosensor to capture the light wavelengths passed through the color filter.

8. As to claim 9, Merrill teaches that blue light is absorbed closer to the surface of the detector, green light is absorbed deeper within the detector than blue light, and that red light travels deepest within the silicon layers of the detector. Additionally, Merrill teaches and illustrates (Fig. 7) a third photosensor (90) at a surface of the substrate that receives incident light, the third photosensor absorbing incident light (blue light) at wavelengths shorter than the first wavelength and passing a majority of incident light at wavelengths longer than the first wavelength (green light) (Col. 5, 19-24, 37-46, Col. 6, 34-45).

9. As to claim 10, Merrill teaches that blue light is absorbed closer to the surface of the detector, green light is absorbed deeper within the detector than blue light, and that red light travels deepest within the silicon layers of the detector. Therefore, the green detecting region (78), for capturing and holding light of green wavelengths, absorbs wavelengths shorter than an upper wavelength that is approximately between green and red visible light, and the filter container (76, 80) absorbs light at wavelengths shorter than a lower wavelength that is approximately between blue and green visible light (Fig. 7) (Col. 5, 19-24, 37-46, Col. 6, 23-33).

10. As to claim 12, Descure discloses all claimed subject matter with regards the comments of claim 11.

11. As to claim 14, Merrill teaches that filter component (80) is formed to attenuate light of blue wavelengths while passing light of green and red wavelengths to sensing region (78) (Fig. 7, Col. 5, 37-46, Col. 6, 23-33).

12. As to claim 15, Merrill teaches that filter component (70) attenuates light with blue and green wavelengths, while passing light of red wavelengths to the sensing region (68) (Fig. 7, Col. 5, 37-46, Col. 6, 15-22).

13. As to claim 18, Descure teaches a silicon nitride layer (6) is formed over the polysilicon layer (5) providing insulation (Col. 2, 24-27).

14. As to claim 20, Merrill teaches the pixel array may be fabricated to an arbitrary size, which includes about 1.3 megapixels to about 4 megapixels (Col. 16, 34-39).

15. As to claim 21, Merrill teaches that the filter components surround the sensing regions vertically (70, 80, 96) and horizontally (66, 76, 88) create a sealed container around the sensing region, enabling the blocking of non-normally incident light. Merrill also teaches that a light shield (104) is included to only allow light through an aperture

(106) to reach the sensing elements, thereby also blocking non-normally incident light (Col. 6, 51-55).

16. As to claim 30, Merrill teaches an imager integrated circuit (Fig. 15) to be used with an array of color-filter detectors (Fig. 17) and the corresponding circuitry (270-282). The color-filter detectors each comprise a substrate (62), a first photosensor (78) disposed at the surface of the substrate, a first filter (80) of a p-type layer over the first photosensor and substrate, the first filter having a first thickness from being part of a 1 micron p-type layer (74), absorbing incident light with wavelengths shorter than those of green light and transmitting light at wavelengths greater or equal to green light onto the photosensor that receives the light passed through the first filter, absorbs/holds the charges created by light having wavelengths equivalent to green light and passes on red light which has a longer wavelength, a second photosensor (68) at the surface of the substrate that has a second filter (70) comprising of a p-type layer disposed over the second photosensor and the substrate, the second filter being thicker than the first filter from being part of a thicker 2 micron p-type layer (64) (Fig. 7), that absorbs light with wavelengths less than those of red light and allows red light to pass through to the second photosensor that receives the light passed through the second filter, absorbs/holds the charges created by light having wavelengths equivalent to red light and passes on light with wavelengths longer than those of red light, and a pinned-diode barrier gate (Fig. 14) used for reading-out charges generated by the color-filter detector which is formed on the surface of the substrate (250).

The color filters (76, 80) surrounding the first photosensing region (78) absorb light shorter than the wavelength of green (less than 490nm) and transmits wavelengths of green or higher (greater than 490) to the first photosensing region. The first photosensing region absorbs a majority of green light (490-575nm) and transmits light with wavelengths longer than that of green (greater than 575nm). The second containers (66, 70) surrounding the second photosensing region (68) absorb light at wavelengths shorter than green light (490-575nm) and transmit light with wavelengths longer than that of green (greater than 575nm) to the second photosensing region (68). The second photosensing region receives light passing through the container sections and absorbs red light (575-700nm), which has longer wavelengths than green light. Light with a wavelength greater than 700nm would be able to travel deeper within the detector as the longer wavelength implies the deeper the light will penetrate the body of the detector before it is absorbed, therefore light greater than 700nm would be transmitted through the second photosensing region (68) (Col. 5, 37-46, 62-67, Col. 6, 4-55, Col. 7, 18-48, Col. 14, 16-29, 45-67, Col. 16, 33-49, 63-67).

It is however noted that Merrill fails to disclose first and second sets of pixels that are at a same depth below a substrate's surface and that the filter disposed over the photosensing region is a polysilicon filter of a first thickness over each photodiode in the first set of pixels and a polysilicon filter of a second thickness over each photodiode in the second set of pixels.

On the other hand, Descure discloses an imaging device (Fig. 2C) comprising of red, green, and blue photosensing regions (1R, 1G, and 1B), that are disposed within a

substrate (2) at a same depth below the substrate's surface and laterally adjacent to one another, and additionally Descure discloses a color filter disposed over the photosensing regions (Fig. 1A, 1, Fig. 2C, 1R-1B) and the substrate, formed at and extending within the substrate (2), includes a polysilicon layer (5) that is disposed over columns of silicon oxide that vary in thickness for each color sensing region, the variation in thickness allocating which light wavelengths are allowed to reach the photosensing regions (Col. 1, 20-29, Col. 2, 19-27, Col. 3, 1-20).

It would have been obvious to one having ordinary skill in the art at the time of invention to arrange photosensors beneath a surface of a substrate at similar depths and laterally adjacent to each other and to use polysilicon layers disposed over the photosensors to act as color filters as taught by Descure with the pixel array of Merrill because both prior art are directed towards color sensors with color filters disposed above the sensing regions and because it would decrease the depth of the pixels within the array along with creating different sets of pixels within the array wherein each pixel has disposed above the photosensing region a filter with a thickness determined to allow light of varying wavelengths to reach the photosensing regions disposed within the same depth of the substrate and using polysilicon layers as the color filters (70 and 80) would yield predictable results of absorbing incident wavelengths of light that aren't long enough to pass through the color filter of a specific thickness as well as passing incident wavelengths of light long enough to penetrate through the color filter and reach the corresponding photosensor to capture the light wavelengths passed through the color filter.

17. As to claim 31, the Merrill and Descure references disclose all claimed subject matter with regards the comments of claim 30.

Additionally, Descure also teaches that in the field of optical radiation, crystal silicon and polysilicon have similar refraction coefficients and the thickness of the layered materials can be adjusted to filter a specific wavelength of light; therefore the polysilicon layer (5) can be replaced with a layer of crystal silicon, used as the substance of the substrate (2), and used as a color filter for the incident light impinging upon the photosensing regions (Col. 2, 23-33).

18. As to claims 58, 59, and 60, the Merrill and Descure references disclose all claimed subject matter with regards the comments of claims 11, 30, and 31.

19. As to claim 61, the Merrill and Descure references disclose all claimed subject matter with regards the comments of claim 11.

20. As to claim 62, the Merrill and Descure references disclose all claimed subject matter with regards the comments of claim 12.

21. As to claim 64, the Merrill and Descure references disclose all claimed subject matter with regards the comments of claim 14.

22. As to claim 65, the Merrill and Descure references disclose all claimed subject matter with regards the comments of claim 15.

23. As to claim 67, the Merrill and Descure references disclose all claimed subject matter with regards the comments of claim 18.

24. As to claim 68, the Merrill and Descure references disclose all claimed subject matter with regards the comments of claim 21.

25. As to claim 69, the Merrill and Descure references disclose all claimed subject matter with regards the comments of claim 9.

26. As to claim 70, the Merrill and Descure references disclose all claimed subject matter with regards the comments of claim 10.

27. ***Claims 13 and 19 are rejected under 35 U.S.C 103 as being unpatentable over Merrill (US Patent 7,132,724) [hereafter Merrill] filed on 4/11/2003 and Descure (US Patent 6,960,799) [hereafter Descure], filed on 7/27/1999, as applied to claims 12 and 18 respectively, in view of Rhodes (US Patent 6,815,743) [hereafter Rhodes] filed on 1/30/2003.***

28. As to claim 13, both Merrill and Descure teach the photosensors of the pixel array are photodiodes (Merrill, Col. 6, 39, Descure, Col. 2, 19-34).

It is however noted that Merrill and Descure fail to teach selecting the photosensor from a group consisting of a photodiode, photogate, photoconductor, or other image to charge converting device for initial accumulation of photo-generated charge.

On the other hand, Rhodes teaches a CMOS color detector (Fig. 12) in which the photosensitive elements (24a-24c) for each pixel cell (100a-100c) is a photogate, but can also be a photodiode, a photoconductor, or other photosensitive elements to accumulate photogenerated charge (Col. 9, 54-61).

It would have been obvious to one having ordinary skill in the art at the time of invention to choose a photosensor from amongst a group consisting of a photodiode, photogate, photoconductor, or other image to charge converting device as taught by Rhodes with the pixel array of Merrill and Descure because all prior art are directed towards imagers that capture incident light and convert captured light to electrical signals and because either of those photosensors would allow the array of Merrill and Descure to capture and convert incident light representing an image into photo-generated charges.

29. As to claim 19, Rhodes teaches an insulating cap layer (110a-110c) of silicon nitride where electrical contacts are formed (Col. 9, 54-67, Col. 10, 1-6).

30. ***Claim 16 and 66 are rejected under 35 U.S.C 103 as being unpatentable over Merrill (US Patent 7,132,724) [hereafter Merrill] filed on 4/11/2003 and Descure (US Patent 6,960,799) [hereafter Descure], filed on 7/27/1999, as applied to claims 11 and 61, in view of Randazzo (US Patent 6,093,585) [hereafter Randazzo] filed on 5/8/1998.***

31. As to claims 16 and 66, it is noted that both Merrill and Descure fail to teach a layer of tetraethyl orthosilicate is formed over the polysilicon layer.

On the other hand, Randazzo teaches a layer of dielectric material such as tetraethyl orthosilicate (TEOS) (Fig. 2C, 202) is formed over a layer of polysilicon (200) (Col. 1, 43-59).

It would have been obvious to one having ordinary skill in the art at the time of invention to including forming a layer of tetraethyl orthosilicate (TEOS) over a polysilicon layer as taught by Randazzo with the polysilicon filter within the pixel array of Merrill and Descure because al prior art are directed towards solid-state semiconductor fabrications of electrical circuits and because the TEOS layer would provide a dielectric coating that can be used as a cap layer upon the layers of polysilicon within the pixels within the imaging device.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Osinski whose telephone number is (571) 270-3949. The examiner can normally be reached on Monday to Thursday 9 a.m. to 6 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuan V Ho/
Primary Examiner, Art Unit 2622
MO